

Gulf Islands' Island Tides

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Photo: Paul Petrie

Saturday, May 17, 6:42pm, Brooks Point, South Pender. Four ships are on the move, three headed east and one west. *Island Trader* oil barge (centre front) is estimated to be 200m off the shore. *Glorious Ace* (left) is heading west at 15kn, passing between *Ever Unity* (21kn) and *Island Trader* (9 kn), which has come from the north (down Swanson Channel), pushed by the tug *Island Monarch* forming an ATB (Articulated Tug and Barge) unit. At the right of the photo are the cruise ship *Celebrity Century*, the Turn Point Special Operating Area navigational channel, and Haro Strait. For more information on Turn Point SOA and details on the sea room need to navigate this busy area, see chart and article below. This area is also prime Orca J Clan feeding territory.

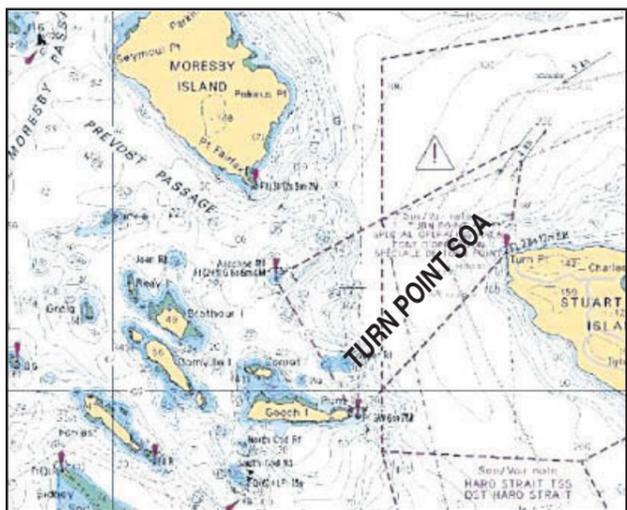
'Standard of Care' for Haro Strait

Turn Point on Stuart Island (US) is a sharp turn (see chart below), and presents a distinct collision risk since the shipping lanes are narrow there and currents can run well over 2 knots. In 2002, Canadian and US Coast Guard authorities agreed on navigation rules for ships over 100m in length in Haro Strait. The two coastguards have established a Special Operating Area (SOA) at the corner, see chart below).

To the south, inbound vessels are required to wait to enter the SOA until any outbound vessels have crossed a line between Arachne Reef and Turn Point (about halfway through the turn). To the north, outbound vessels must not enter the SOA until any inbound vessel has essentially completed the turn.

Overtaking is allowed in the Turn Point SOA only if there is no opposing traffic. In any event, ships must maintain a separation of half a nautical mile; a similar separation must be observed between ships following each other. Vessels must stay 0.3 nautical miles from Turn Point itself.

Vessels overtaking in Haro Strait are expected to establish safe passing arrangements by radio communications: southbound, no later than reaching Gowlland Point; northbound, no later than reaching a line abeam Danger Shoal Light and Horn Buoy.



Kinder Morgan: whales are in the way!

Robyn Allan

Kinder Morgan wants to triple its Trans Mountain oil pipeline system's capacity and increase annual Aframax oil tanker transits across the Salish Sea—including through Vancouver's Burrard Inlet and English Bay—by 580%!

By now, many of us are aware of Kinder Morgan's view of an oil spill—think of it as a business opportunity and its not so bad—'Spill response and clean-up creates business and employment opportunities for affected communities, regions, and clean-up service providers...' The net overall effect? That's up to us. It depends on 'the willingness of local businesses and residents to pursue response opportunities...'

This wisdom was extracted from the depths of Kinder Morgan's 15,000 page National Energy Board Application.

Well...there are more Kinder surprises in the company's Application.

Kinder Morgan believes its project 'will not have a significant adverse effect on any biophysical...element except the potential effect of sensory disturbance on southern resident killer whales that use the shipping lanes...'

Kinder Morgan may not be aware but southern resident killer whales have been in existence for about 11 million years. Mechanized ships through BC's coastal waters; not even 150 years and oil tankers only since the 1930s. Shipping lanes did not exist before ships relied on them.

Is it not possible that rather than resident killer whales using the shipping lanes, oil tankers are using the migratory paths of the killer whales?

Initially it's a bit amusing. Those pesky killer whales getting in the way of oil tanker shipping routes. However the gravity of Kinder Morgan's arrogance becomes chilling when we look below the surface.

Southern resident killer whales are a particular population of Orcas also known as the 'J' Clan. They are endangered under the *Species at Risk Act*. The Act defines an endangered species as a 'wildlife species that is facing imminent extirpation or extinction' and its 'critical habitat'—the habitat necessary for its recovery or survival—must be protected. In fact, the preamble to the Act describes the preservation of the habitat of species at risk as being 'key to their conservation'.

The four risks to Orcas' habitat are reductions in the availability of salmon, environmental contamination—even without an oil spill—and physical and acoustic disturbance.

'J' Clan (J-K- & L-Pods)

There are only about 82 J-Clan members left. They travel in three pods and rely primarily on salmon as their food source. Their critical habitat already has an oil tanker superhighway running through it.

Kinder Morgan's Westridge marine facility currently handles about 60 oil tankers a year. The company plans to construct three new berths to allow up to 816 Aframax transits a year across the Salish Sea—more than two a day. Noise from ships are known to cause sensory disturbances for whales who rely on their heightened sonar to communicate and forage for food. The Orca's ability to rely on their sensory system is critical to their survival.

ORCAS please turn to page 3

Is it not possible that rather than resident killer whales using the shipping lanes, oil tankers are using the migratory paths of the killer whales?'

Granny's Back!

Matriarch whale J-2, known as Granny, who is the leader of J-Pod, has been seen off northern California 8 days previously! Granny's age is estimated at 103. She made the 800 mile swim in that time. She must be fit!



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Glass sponge reefs home to spot prawns

Glass sponge reefs—thought to have been limited to four locations in Hecate Strait and Queen Charlotte Sound—have been confirmed in Georgia Strait and Howe Sound. In Georgia Strait, sponge colonies are havens for valued spot prawns but fishers, this year, have agreed to steer clear of the sponge reefs to avoid damaging them.

Off Galiano Island, a kilometre-long reef reaches a density of 40 sponges per square meter. The reef, which may be as much as 9,000 years old, helps keep the water clean; a single sponge may filter 9,000 litres a day.

In Hecate Strait, sponge reefs have been extensively damaged by bottom trawling. Nevertheless, they still serve as nurseries for the many and multicoloured varieties of rockfish found in coastal waters.

Sponge reefs were originally thought to have become extinct during the Cretaceous period, 145 to 65 million years ago. But they now known to cover 1,000 square kilometres of mid-coast seafloor. They form tubular structures, similar to coral, up to 21m tall.



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Island Tides

FULL MOON: THURSDAY, JUNE 12
AT FULFORD HARBOUR
MAY/JUNE

Day	Time	Ht./ft.	Ht./m.	Day	Time	Ht./ft.	Ht./m.
28 WE	0303	9.8	3.0	5 TH	0549	6.2	1.9
	1025	1.3	0.4		0931	6.9	2.1
	1826	10.5	3.2		1522	4.9	1.5
	2309	8.5	2.6		2306	10.2	3.1
29 THU	0337	9.8	3.0	6 FR	0629	5.6	1.7
	1101	1.3	0.4		1132	6.9	2.1
	1908	10.8	3.3		1612	5.9	1.8
30 FR	0006	8.5	2.6	7 SA	0703	4.9	1.5
	1411	9.5	2.9		1326	7.2	2.2
	1137	1.6	0.5		1714	6.6	2.0
	1948	10.8	3.3				
31 SA	0103	8.5	2.6	8 SU	0005	10.2	3.1
	0446	9.2	2.8		0735	3.9	1.2
	1214	1.6	0.5		1452	7.9	2.4
	2026	10.8	3.3		1823	7.2	2.2
1 SU	0201	8.2	2.5	9 MO	0035	10.2	3.1
	0522	8.9	2.7		0808	3.0	0.9
	1250	2.3	0.7		1552	8.9	2.7
	2102	10.8	3.3		1929	7.9	2.4
2 MO	0302	7.9	2.4	10 TU	0107	10.2	3.1
	0600	8.5	2.6		0841	2.3	0.7
	1326	2.6	0.8		1640	9.5	2.9
	2135	10.8	3.3		2029	8.5	2.6
3 TU	0404	7.5	2.3	11 WE	0140	10.2	3.1
	0647	7.9	2.4		0918	1.3	0.4
	1402	3.3	1.0		1724	10.2	3.1
	2206	10.5	3.2		2124	8.9	2.7
4 WE	0501	6.9	2.1	12 THU	0218	10.5	3.2
	0753	7.2	2.2		0956	0.7	0.2
	1440	3.9	1.2		1806	10.5	3.2
	2236	10.5	3.2		2219	8.9	2.7

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Net neutrality debated in United States

If you operate an internet application that requires a lot of bandwidth, should you be able to buy priority service from Internet Service Providers (ISPs)? That's the question currently being aired by the US Federal Communications Commission.

Since it started, the internet, which makes use of a limited block of electronic communications frequencies, has employed the principle of 'net neutrality', which means that all types of data are treated equally, whether the files are email texts, YouTube videos, webpages, real-time data links, Netflix movies, or whatever. If an ISP service is overloaded and slow, all applications are slowed. If the ISP capacity is adequate, all applications can run at their designed rate.

Net Neutrality is the Canadian governing law; internet communications services are regulated as a public utility by the CRTC. Canadian net neutrality has worked except for cases where some ISP's were discovered to be 'throttling' high-data-density users (as in the heyday of peer-to-peer file transfers a few years ago).

The debate that's getting fired up in the US is about whether

net neutrality should continue, or whether corporations using the internet to sell high-data-density applications (for example, 3D HDTV movies) should be able to buy priority treatment from ISPs. A couple of recent US legal cases have decided that the FCC's current net neutrality policy does not carry the authority to prevent ISPs from charging content providers for premium service. The FCC, in response, has proposed rules that appear to permit this provided that the ISP doesn't slow service to other users (for example, real-time medical monitoring).

Critics say that this guts the principle of net neutrality, and that large corporations may be able to outbid startups for internet capacity, and that this would impede innovation.

Republicans think net neutrality is unnecessary; Democrats don't like the idea of content providers being able to buy priority service.

And Google, Facebook, AT&T, Twitter, Verizon, Netflix, Amazon, 'and Uncle Tom Cobley and all' have interests in the decision. Expect to hear much more of this argument over the next few months.

Transit investments drive positive change - David Suzuki

What makes a city great? Among other things, great cities welcome ethnic diversity, support and foster the arts, have access to venture capital to spur entrepreneurship and innovation and benefit from healthy environments that provide clean air and water.

New York City is a driver of global finance and a hotbed of arts and culture. It's also known for green spaces, like Central Park and the award-winning High Line.

San Francisco is celebrated for its narrow streets, compact lots and historic buildings. These contribute to the city's old-world charm, but they're also the building blocks of a more sustainable, pedestrian-friendly urban form that reduces the need for cars.

The world's leading cities also owe their success to government investments in transit systems that move residents safely and affordably using a range of solutions, from light rail and subways to bus rapid transit networks. The latter include state-of-the-art fast vehicles that run in lanes separated from traffic. The City of Markham, north of Toronto, is building an impressive BRT network with rapid transit corridors for a fleet of modern and comfortable fast buses.

Transit-oriented cities have better air quality with lower greenhouse gas emissions and benefit from reduced traffic congestion with shorter commuting times. Evidence even shows people in cities with a range of transportation options, like Vancouver, are less sedentary, get more exercise and are happier and healthier as a result.

There's growing recognition that prioritizing transit is crucial to moving a region forward. Since the 1970s, Curitiba, Brazil, a city of 1.9 million, has invested billions in its bus rapid transit network. There, public transportation is fully integrated into planning decisions. High-density hubs with shopping centres and office buildings are located within walking distance of transit stations and commuters have access to a fleet of more than 2,000 modern, low-emission buses, servicing 390 routes that crisscross the city and connect it to surrounding communities. Eighty-five percent of Curitiba's residents use the BRT system, which has reduced car trips by a whopping 27 million a year.

But you don't have to travel far to see how transit investments can improve residents' lives. In his book, *Arrival City*, Globe and Mail columnist Doug Saunders argues that easy access to transit, among other factors, is one reason Toronto's

Thornclyffe Park has avoided many social problems that plague similar inner-city neighbourhoods. Though most are recent immigrants, half speak a first language other than English and many are poor, Thornclyffe Park residents integrate well into Canadian society, and many enter the urban middle-class within a generation. Saunders believes this is in part because the neighbourhood is well connected to Toronto's downtown, with bus and subway routes, and easy access to schools, employment and other opportunities. Transit facilitates social and economic links to the core of the city and helps residents overcome the physical isolation that plagues many communities.

Politicians are starting to recognize transit's importance to the economic, social and environmental health of Canadian cities. It's even become a major issue in the Ontario election. Premier Kathleen Wynne committed \$29 billion over 10 years in the recent budget to expand transit networks in the Greater Toronto and Hamilton Area and other regions of the province, but the budget failed to pass. Other parties have committed to funding improved transit if they're elected, but all of them need to step up with concrete details and credible plans to ensure dedicated and sustained funding.

More problematic is the reluctance of the major political parties in Ontario to consider new revenue tools, such as modest increases in the gas tax or regional sales tax. Polls show most residents support increases in taxes and fees to improve transit, and two expert panels studying the issue have recommended fiscal solutions such as these.

Transit investments are a catalyst for change. They reduce barriers that strangle economic productivity and improve the well-being of commuters who would otherwise be stalled in gridlock.

It's time to put people ahead of politics and support dedicated transportation investments in Ontario and other provinces. Doing so will transform the way our communities move and generate numerous other benefits. Effective transit and transportation solutions can spur economic productivity, protect the environment and improve quality of life. It's time to get moving.

Written with contributions from David Suzuki Foundation Ontario and Northern Canada Director General Faisal Moola. Learn more at www.davidsuzuki.org.

No Radiation Worries on Cortes - Christian Gronau

In December, I had the loan of the 'Gamma-Scout' Geiger counter from the *Watershed Sentinel*/BC Environmental Network and conducted a casual survey of various locations on Cortes Island.

No radiation hot-spots were found. There are no indications that the 2011 disaster in Fukushima has had any measurable effect on our local environment. As far as levels of ionizing radiation are concerned, Cortes Island appears safe.

Here is a simplified account of what the Gamma-Scout observed: the beach kelp is clean; the forests are quiet; the soils are fine; even the rocks produced almost nothing, which is to say that all tested samples read zero above background radiation.

The background values I have established are hovering around 50% of what they are in Heidelberg—the place where the instrument was manufactured. Indeed, the Cortes background levels are slightly below global-average. By the safety margins placed on nuclear industry workers and uranium miners by the National Research Council of Canada, Cortes Island is exposed to only 1.4% of the allowable dose. (Global average is 1.74%.)

The topic of radiation is fraught with hazards: it is complex to the point of being confusing (the jumble of measurement units alone—Roentgen, Curie, Becquerel, Gray, Rad, Rem, Sievert—is enough to make even the experts cringe). It certainly doesn't help that the term 'radiation' encompasses widely-differing phenomena, from the warm glow of your fireplace to the radioactive blast of a nuclear explosion.

The distantly-related concerns about non-ionizing radiation coming from Smartmeters have been brought to my attention.

It seems somewhat silly to worry about single Watt microwave bursts, a few times per day, from a power pole usually many yards away, while sitting in a home office with WiFi routers, remote controls and cellphones cluttering the place (and maybe a microwave oven in the kitchen).

As far as Fukushima is concerned, the danger is far from over: were another major earthquake to strike now, the consequences for Japan could be truly catastrophic—but it would take some extraordinary circumstances to affect the North American west coast in any major way. For the time being at least, we have little to fear.

Some places on this planet have very high natural radiation levels, without any apparent negative health consequences to the resident population. Finland, for instance, receives 10 times the amount Cortes Island gets.

Life evolved and adapted on this planet to the constant and inescapable bombardment by cosmic and terrestrial radiation. There are indications that natural background radiation is of some benefit to the immune systems of living organisms, by activating and exercising cellular and gene-repair mechanisms. We are more connected to the universe than we may think.

However, Friends of Cortes Island has purchased a 'Gamma-Scout' and will be monitoring any impact the aquatic Fukushima plume might have on west coast waters.

Christian Gronau studied palaeontology and geology in Germany. He and his wife live on Cortes Island. This article was first published in the *Watershed Sentinel*. Read more good articles at: <http://www.watershedsentinel.ca>.

The BC government's attempt to make good on their threat to roll back teachers' wages during job action will have significant impacts on students for the remainder of the school year, says BC Teachers Federation.

On May 22, BCTF President Jim Iker received a letter from Michael Marchbank, Premier Christy Clark's appointed head of the BC Public School Employers' Association, in which he states that because teachers are starting rotating strikes, government intends to claw back 10% of their wages.

The pay cut will be in effect even on days when teachers are in their classrooms working with students to meet their needs.

In order to justify these pay cuts, government is going imposing a series of partial and full lockouts, says the teachers' union. Starting Monday, May 26, teachers are prohibited from being at school more than 45 minutes before and after class time, and they are forbidden from working during recess or lunch hour. In addition, all secondary teachers will be locked out on June 25 and 26. Both elementary and secondary teachers are to be locked out on June 27.

Iker said that as a result of these latest directives, teachers could be disciplined for helping a struggling student at lunch hour. What's more, extra-curricular activities including clubs, drama, music, and sports will be cancelled, graduation ceremonies will be impacted, and final exams for some senior secondary students will not be marked. None of these impacts would have occurred under the teachers' job action plan.

'We were careful to ensure that already scheduled extra-curricular and volunteer activities continued. We wanted to minimize the impact on students,' Iker said. 'During rotating strikes, teachers would continue all volunteer activities four out of five days a week.'

The planned lockouts will also impact all Grade 10 English students and Social Studies 11 students who are scheduled to write their provincial exams on June 24. With all secondary schools under lockout beginning June 25, there will be no teachers present to mark thousands of exams.

'Premier Clark just yesterday said children should not be put in the middle, yet she is imposing significant disruptions to the

education system,' said Iker. 'We've already heard from secondary school teachers that they will be locked out on the day their students graduate. Is putting Grade 12 Grad on the chopping block Christy Clark's definition of families first?'

Iker said that the directive prohibiting teachers from interacting with students during the lunch hour will have possibly the most wide-ranging impacts.

'Christy Clark's lockout will mean teachers would be insubordinate if they helped a struggling student or a child with special needs during the lunch hour,' said Iker.

Iker called on the BC government to own up to their record of bad faith bargaining and come to the bargaining table with resources to reach a fair collective agreement.

'Smaller classes, more support for children with special needs, extra one-on-one time with all kids, and fair wages—these are our key goals in this round of negotiations,' Iker said. 'That's how we will get a deal and that's how we can end this crisis in education.'

LNG not such a cash cow?

A new report shows that \$100 billion from liquefied natural gas 'is not likely to be realized given real world conditions,' and the BC government is urged to lower expectations for the 'Prosperity Fund'.

The report, released on May 1, finds that the BC government's projection of a \$100 billion for the 'Prosperity Fund' from liquefied natural gas LNG exports is based on assumptions that are, in fact, too good to be true.

Path to Prosperity? A Closer Look at British Columbia's Natural Gas Royalties and Proposed LNG Income Tax, authored by Marc Lee, Senior Economist with the Canadian Centre for Policy Alternatives, puts those assumptions to the test, and finds that the government's promised returns to the public are little more than wishful thinking.

The report (the first of a series analyzing the economics and environmental impacts of LNG) looks at forecasts for Asian energy markets, the time and cost associated with developing BC's LNG industry, and the province's plan to earn royalties from LNG extraction. *Path to Prosperity?* also represents the first analysis of the LNG income tax, which the BC government outlined in the 2014 Budget.

Looking at these factors, it becomes clear that it would take every best-case scenario to materialize to earn the revenues promised by the government. More realistically:

Asian demand for LNG will be undercut

when Japan and Korea re-open nuclear facilities, and because China has many domestic and international options for new energy supplies in addition to BC-based LNG.

Since five countries that account for 70% of LNG imports (India, Japan, Korea, China and Taiwan) are forming a common front on price through a 'buyer's club', it makes it far less likely that they'll continue to pay top-dollar for imported LNG.

The start-up costs for BC's LNG industry are massive, greatly eating into the gap between Asian and North American gas prices. Meanwhile, many competitors are simply adding capacity to existing facilities, increasing supply and driving prices down.

'The danger is that BC ramps up production at a large cost—including costs of regulatory oversight, infrastructure, and additional public services, for example, as well as environmental costs—but doesn't receive much benefit in terms of revenue,' says Lee, Co-Director of the Climate Justice Project. 'Rather than rely on fantasy projections of LNG investment, BC should go back to the drawing board to develop a regime for LNG development that ensures public benefits.'

The report seeks to provide a more realistic range of what public returns might be, and estimates the LNG income tax revenue at between \$0.2 and \$0.6 billion per year for a fully mature industry, although creative accounting practices could greatly reduce tax

payable. For comparison purposes, BC's annual budget is approximately \$43 billion, In this context, the incremental benefit of the LNG tax is modest.

The report also notes that the structure of the LNG tax allows the industry to incur major cost over-runs—as they have been known to do—and have taxpayers eat the difference. Because companies can fully deduct all capital costs before paying the full 7% LNG income tax, any cost over-runs will be paid for by reduced taxes.

'BC has been rushing to get resources out of

the ground regardless of the returns. Without a well thought out plan, the proposed LNG industry is likely to do more of the same.

'With market prices expected to drop and a poorly thought-out plan for public benefits, it's time for the government to take a step back and ask themselves if we can do better,' says the CCPA.

The report is part of the Climate Justice Project, a partnership between the CCPA and UBC, funded primarily by the Social Sciences and Humanities Research Council of Canada, with support from Vancity and Vancouver Foundation.

ORCAS from page 1

More than sensory disruptions, ship strikes and propeller cuts are constant threats wounding and even killing whales. Kinder Morgan suggests whales need to be more careful. The 'probability of a strike... depends in part on the success or failure of any avoidance measure by either the marine mammal or vessel.'

Once a species is endangered the Federal government is supposed to protect its critical habitat. The Government of Canada has been slow to get with the program. Orcas were identified as endangered when the *Species at Risk Act* came into force in June 2004. It wasn't until March 2008 that the Department of Fisheries finally tabled a recovery strategy and identified the Orca's critical habitat as, pretty much, the Salish Sea. Ways and means to protect Orcas and bring about the species' recovery were to have been set in motion.

Then the backtracking began. DFO tried to make protection a matter of Ministerial discretion—read optional and responsive to commercial interests. Ecojustice, on behalf of a number of environmental groups, took the Minister of Fisheries and Oceans and the Minister of the Environment to court. In 2010 Ecojustice won; DFO appealed. In 2012 Ecojustice won again. The Minister was ordered to stop breaking the law and start getting those Orcas protection according to the *Species at Risk Act*. We should be seeing less marine vessel traffic, but all signs point to more.

Kinder Morgan behaves like a bully. After acknowledging their project has a 'high magnitude, high probability and significant adverse effect' on Orcas, the company justifies its right to contribute to their extinction because everyone is doing it. Kinder Morgan

says, 'With or without the Project, the southern resident killer whale population continues to be adversely affected by sensory disturbance caused by all types of marine vessel traffic.'

Kinder Morgan assures us that 'Port Metro Vancouver is developing a collaborative multi-stakeholder program to look at the current levels of underwater noise in the Strait of Georgia and surrounding waters and to consider options for reducing potential cumulative environmental effects of noise from marine vessel traffic on marine mammals. Trans Mountain is strongly supportive...'

This is the same Port Metro Vancouver that is not only in favour of Kinder Morgan's expansion but is in favour of dredging Burrard Inlet so even larger Suezmax tankers can call at Westridge. If Kinder Morgan is strongly supportive of reducing potential cumulative environmental effects from marine vessel traffic on marine mammals you'd never know it. They've done nothing since 2008 when DFO tabled their recovery strategy. That report is clear that the migratory paths of killer whales are adversely affected from the ongoing volume of marine vessels, including oil tankers calling at Westridge.

It seems benign when words, phrases and names like 'biophysical', 'sensory disturbance' and 'southern resident killer whales' are used. What Kinder Morgan means—and should have the guts to say—is that the oil tankers needed for Trans Mountain's expansion will significantly contribute to the extinction of Orcas in the Salish Sea.

Robyn Allan is an economist and former CEO of the Insurance Corporation of British Columbia. She is an Intervenor in the public interest at the National Energy Board review of the Trans Mountain Expansion Project.

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MEETING

School District #64 (Gulf Islands). Regular meetings of the Board of School Trustees will be held on Wednesday, June 11, 2014 at School Board Office, Ganges, Salt Spring. Meeting commencing at 1pm. Agenda: <http://sd64.bc.ca/district/school-board-meetings>. Public Welcome!

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Vancouver's Garbage

Dear Editor:

The corporations that want to build an incinerator in Nanaimo to burn Vancouver's garbage have filled whole pages of our newspapers without printing anything that could help us make an informed decision. Their website is even less insightful.

How much ash is left from the burn? What chemicals does it consist of? Which watershed is it to be dumped in, or are they planning on dumping it in the ocean?

Of that dumped in the airshed, what chemicals are they? How large are the particles, especially the metals, and what polymers and benzene chains can we expect? And how much will there be?

They haven't even provided a cost-benefit study, as to how much power is generated after the amount used in the burning process is deducted along with the wages, infrastructure costs, transport, and bonding for cleanup if a barge flips in our estuary.

Wheelbrater, Ur-baser and Seaspin should quit whining and Vancouver should deal with its own waste.

Jim Erkiletian, Nanaimo

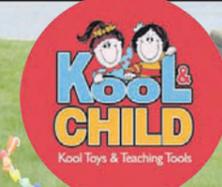
Coleman Clarifies LNG's 'Clean' Promise

Dear Editor:

BC has decided to use gas to power Liquefied Natural Gas plants instead of emission-free hydroelectricity. The latest IPCC report states that emissions from methane gas are 86 times worse for the atmosphere than carbon dioxide.

Minister Coleman should stop his charade about BC's gas being the 'cleanest in the world', and simply state the honest truth. His government's emissions reduction targets for BC are simply nonsense.

Blaise Salmon, Victoria



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Editorial

Last edition, I asked for greater reader participation in the funding of *Island Tides*, by way of donations. It's early days and I thank those of you who have already sent cheques and look forward to the phone calls and letters of many more. The more people who support the newspaper the better. Don't ever think that small contributions are not worth sending. Just like the articles people send in, the newspaper wouldn't be what it is without them. And we still have a long way to go to a 'safe haven'!

In the wonderful notes which often accompany donations, people often mention how much they appreciate the *Island Tides*' 'gang'—meaning all the contributors who make up this big Salish Sea enterprise. (Many of whom I have not actually met in the flesh—email and phones keep us in touch over the 120 miles of coast!)

Our contributors need lots of appreciation. In any year there are about 100 different people who send in something to be smoothed into print. Lots more send snippets to be included in some way or another. *Island Tides* is truly a federation of writers. The Salish Sea would be poorer without the things they share on *Island Tides*' pages. It's great to know they are so well appreciated. Thank you. Please send in those cheques to ensure that they will always have a place to publish.

Meanwhile, let's talk about the other part of *Island Tides*

future—new owners. What do I think new owners of *Island Tides* would be like? I imagine they would be a couple between 30 and 50-years-old. They will probably be newcomers or returnees to the westcoast. Perhaps thinking of starting a family (or perhaps having fledged one). I imagine they would have family, or friends, here already.

They would need a place to live that had a spare room or studio. They would need a high-speed internet connection. Themselves, they would be: bright, energetic, able to see and imagine connections, engaged with the world, love talking to people and organizing things, be good on phones, be computer savvy, able to think on their feet, and work fast and efficiently, and enjoy doing business.

What awaits them is an amazing life of connections on the coast and across Canada: the delight of being able to pick up the phone and talk to anybody; a chance to make important things happen, and the thrill of gaining understanding of business, politics, and the magic that makes up the islands' way of life. All this, while working a unique business in a beautiful region, with lively, warm communities, interesting people, engaged readers, and a very safe lifestyle. They would walk into a ready-made life through an established, well known and well-loved publication. If you know of anyone who fits this description, tell them to call!

—Christa Grace-Warrick

Readers' Letters

Texada Ferry Schedule

Dear Editor:

As a life long Texada Island resident, I can say that we islanders have been more than patient with BCFerries over the years. The recent changes to our schedule have many residents shaking their heads. After all the consulting done with all the coastal communities, the online surveys, the phone calls, the big booklets handed out, it makes one wonder who really is steering the boat?

For years we have quietly gotten up at 5am to catch the 6am ferry, sat in the parking lot in Powell River for an hour-and-a-half waiting to cross the water we had just been on (with no discount, unlike Salt Spring Island). The noon ferry to Vancouver Island was liveable, we could catch the 10:30 ferry and only wait for an hour to depart Powell River.

With the new schedule, things really haven't changed for the first run, the 7:50am from Texada often floats around waiting for the *Queen of Burnaby* to leave the dock often causing the school kids and work commuters to be late. I think the one that really burns people is the 11:25 leaving Texada. Ultimately we would dock in Powell River at about 11:55 but it is impossible now as the *Queen of Burnaby* is scheduled to depart at noon. So we bob around in the water for an additional 10-20 minutes until she leaves the berth. This is beyond ridiculous.

Who made this schedule? It certainly looks nothing like the one the local people suggested. The evening connection makes about as much sense as the afternoon one, terrible.

Then there are different schedules for the weekend and it throws us for another loop, gone are the days of knowing the ferry schedule off the top of your head. My son who plays soccer, used to be about a half-hour early for his practice and game but now he is either 2-1/2 hours early (getting up at 5am) or twenty minutes late. We settled for the latter.

Thank you BC Ferries, Premier Clark and all your followers, for running these coastal communities into the ground. Families first you say? Whose family? Do you value Mainland families more than coastal families? Shame on you.

Time will tell how our local businesses will do over the coming months. I hope the government is paying attention to the economic impact. How much revenue is lost not only with businesses (Shelter Point campground was awful quiet this past long weekend) but also our property taxes which have dropped significantly along with our house values.

Deidre Braak, Gillies Bay, Texada Island

The Bottom Line for Kinder Morgan—Oil Spill Risk Is Too High

Dear Editor:

The National Energy Board review process for Kinder Morgan's Trans Mountain pipeline is now well-underway.

If the project is approved, we would see an increase from 60 to more than 400 heavy oil tankers leaving Vancouver Harbour

each year. Those tankers would then pass around the tip of southern Vancouver Island—an area identified by the federal Tanker Safety Expert Panel as being one of the most high risk areas in Canada for an oil spill.

The thought of this enormous increase in tanker traffic alarms me, and I know I'm not alone. With more oil tankers comes more risk of an oil spill—one that could destroy our pristine coastline and devastate our local communities. The whole idea undermines Vancouver's award-winning efforts to become the world's greenest city by 2020.

That's why I applied to be a full participant in the Kinder Morgan hearings. My constituents, and British Columbians across our province, will be affected by this pipeline and they deserve a voice in the process.

Last week I joined dozens of other participants in submitting questions to Kinder Morgan on their application. With a 15,000 page application to review, and only one month to submit questions, I chose to start by analyzing Kinder Morgan's evidence around oil spills: How likely are they? What impact will they have? And how effectively can we actually clean them up? I also asked about whether my constituents, and others in the coastal communities, were properly consulted, given the impact this project could have on their health and livelihoods.

If the number of questions a participant submits is any indicator, I had nearly 500 questions on oil spills and consultation alone. Collectively, participants submitted thousands of questions on these and other topics as we try to better understand what this project will really mean for British Columbians.

Here are just a few examples of the areas I asked about:

1) Federal studies clearly show that, unlike most other crude oils, the diluted bitumen Kinder Morgan will be transporting through its pipeline is so heavy that when it mixes with suspended particles in the ocean, it sinks. If there is one thing we have plenty of in our coastal waters, it is suspended sediments. Unfortunately, Kinder Morgan's oil spill response is based entirely on the faulty assumption that the spilled oil would float. How are they going to respond when it actually sinks?

2) When assessing the impact of an oil spill and their ability to clean it up, Kinder Morgan based their projections on near-perfect conditions, including: 20 hours of daylight, pristine weather with only minimal waves, the availability of all staff and equipment to respond, and of course, floating oil. They also assumed that they would have twice the response capacity available to them as currently exists. Despite these ideal circumstances, they only predicted that 45% of the oil would be recovered. Even then, they acknowledge that their model isn't consistent with historical averages (generally only 5-15% of spilled oil is ever recovered). I asked Kinder Morgan to redo their model analysis to offer realistic projections, based on credible assumptions, so that we can know what to really expect.

LETTERS, please turn to next page

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MULTIHULLS IN LIGHT AIR

The BC Multihull Society held its annual 'Fun Race' at Port Browning on Pender Island, May 17-18. More distant sailors, families, and friends braved near gale-force winds in the Strait of Georgia to attend the weekend event, which got underway with a Saturday Potluck BBQ, followed by a light air race on Sunday for cruisers and racers (photo left). The event finished with a laughter-filled awards dinner that evening in the Port Browning Pub's café.

The historic club has been underway since the dawn of multihull sailing on the BC coast, 45 years ago. Hosting three major sailing events in May, July and September, as well as other social events throughout the year, BCMS members currently hail from central BC to the Queen Charlottes, Alberta and Mexico. Most owners have built or modified their multihull sail and power boats. Many have been sailing for decades, with calls at distant shores. For membership and other info see: <http://bcms.bc.ca>

Celebrating the Salish Sea

Boaters celebrate the union of sea and air. Island communities celebrate the union of sea and land on June 8, World Oceans Day, with growing concern for the future of our Salish Sea.

'Under the radar' are quiet movements and gumboot brigades, investigating our ocean. Just in the past week, a team of volunteers walked the beach counting sea stars on Salt Spring, Mayne Island school explored an eelgrass bed. Meanwhile a team of SeaChange staff and volunteers are mapping our eelgrass foundation species throughout the Trust Area.

On World Oceans Day there will be an event planned near you and your family. Check out your local bulletin boards.

The Mayne Island Conservancy is hosting an event on June 14 (for details, see 'What's On' page 8). Highlights include a special 'finned' guest from CPAWS and an evening film (*Groundswell*) and presentation on marine mammal ecology by Raincoast Conservation Society.

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LETTERS from previous page

3) A typical heavy oil tanker will carry more than 100,000 tonnes of oil. Yet in their analyses, Kinder Morgan assumed a worst-case scenario that only 16,500 tonnes would ever 'credibly' spill at a time. That may be true according to Kinder Morgan's calculations, but credible risk analyses consider the full range of scenarios, including one where the ship sinks and all of its oil is released. How can we know the full risk that comes with these tankers, if the worst-case scenario is excluded from consideration?

Ultimately, in applying to build their pipeline, Kinder Morgan is applying for a social license from British Columbians. Earning that social license begins with providing credible evidence that can stand up to thorough cross-examination.

Kinder Morgan has already advocated excluding oral cross-examination from the hearing process. Those who followed the Northern Gateway hearings know just how significant this change is.

What the above points suggest is that Kinder Morgan's submitted evidence is far from complete. After reading countless pages of documents it's pretty clear to me that neither Kinder Morgan, the scientific community, nor the federal or provincial governments have even a cursory idea of what would happen in the case of a catastrophic diluted bitumen spill in our coastal waters.

The bottom line is this. It's our coast, and we deserve better.

Andrew Weaver, MLA, Oak Bay-Gordon Head

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WFP and forests ministry caught out by Ehattesaht

Patrick Brown

Western Forest Products nearly had a deal with the Ministry of Forests, but they lost it to the Ehattesaht in court.

Here's how: WFP have been logging in Tree Farm License Area 19, on northwestern Vancouver Island, from 2007 to 2013, but have left behind an 'undercut', an amount of some 1.4 million cubic metres of timber. The company claimed that it was inaccessible, or that it was poor quality.

TFL N°19 overlaps with the rights and title claim of the Ehattesaht First Nation, which had been in active negotiation with the government concerning timber in the area, and had also been actively logging a timber allocation that arose from previous claims.

The Ministry of Forests had lengthy discussions with Western Forest Products about the disposition of the undercut, and in April, 2013 made a decision to allocate 75% of it back to the timber inventory of TFL N°19, reserving 25% for future allocation by the Crown, potentially including the satisfaction of future First Nations claims.

The Honour of the Crown

But despite their extensive negotiations with Western, the Ministry neither notified nor consulted with the Ehattesaht. The First Nation launched an action in BC Supreme Court, claiming that the Crown had a duty to consult it, and had completely failed to do so.

In his discussion, the Judge noted that the 'honour of the Crown' required consultation and reasonable accommodation of aboriginal interests when (1) The Crown knew of a potential Aboriginal claim or right, (2) Crown conduct was contemplated, (3) there was potential that the contemplated conduct may adversely affect an Aboriginal claim or right.

A Weak Government Case

Lawyers for the government mounted a very weak case.

First, they argued that there had been no real decision, and therefore it could not be judicially reviewed. The Judge disagreed.

The government agreed that the Crown was aware of Ehattesaht claims; it was also agreed that there had been absolutely no attempt at consultation. Lawyers for the Crown claimed that any decision, if there was one, affected an economic interest rather than an Aboriginal right, and therefore there was no duty to consult. The judge disagreed.

Finally, the government claimed that the interests of the Ehattesaht were not affected. But the First Nation asserted that they might be awarded more timber than the 25% reserved for possible claims by the government, and that allocating the undercut to the TFL N°19 inventory meant that no portion of it would ever be available to the Ehattesaht. The Judge agreed.

The Verdict

The government lost on all counts; the Ehattesaht won. The Judge noted that it was not a matter of the quality or sincerity of the consultations with Ehattesaht, it was simply that they had been completely ignored; there were no consultations. It was, in the end, fairly cut and dried. The allocation decision of the undercut was quashed.

The government has a month to decide on an appeal. ☞



Photo: TOM HOBLEY

CROW ON SPRING WALKABOUT

A community of stewards

Prime Minister Stephen Harper has announced a \$252 million, five year federal government commitment to funding conservation initiatives. The plan follows up on a 2011 election promise and the 2013 throne speech, but it is not clear in which budget year funds will start to be available.

'An ethic of true stewardship cannot be imposed by regulation, it is of the heart,' said the Prime Minister. He reaffirmed national biodiversity targets of protecting 17% of Canada's land and inland waters, and 10% of the nation's marine and coastal areas, by 2020.

The funds, which are expected to attract matching amounts from communities, industry, corporations, and individuals over five years, are to be allocated as follows: \$100 million for the Nature Conservancy of Canada to protect sensitive lands; \$37 million for marine and coastal conservation; \$3.2 million to assist a national inventory of conserved areas; \$50 million to restore wetlands, \$50 million to help voluntary actions to restore and conserve species and their habitats; \$9.2 million 'to connect urban Canadians to nature'; and \$3 million for a three-year 'Earth Rangers' program to expand family-oriented conservation programming. ☞

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ALR amendments will pass - Patrick Brown

Provincial Agriculture Minister Norm Letnick continues to promise further consultation on the future of the Agricultural Land Reserve but, after his discussions with Core Review Minister Bill Bennett, there will be no consultations prior to the passage of Bill 24, the Agriculture Land Commission Amendment Act. The bill stands as introduced, and by the time you read this, will probably have been forced through by the BC government.

For some forty years, BC's Agricultural Land Reserve stood as the only piece of provincial land use legislation that prioritized agriculture. In that sense, it was a vital element of the province's environmental law. With a single administrative tribunal and the power to make decisions about farmland throughout the province, it combined authority with consistency.

In recent years, the Commission recognized the growth of the oil and gas industry in northeast BC through policy changes to allow temporary use of farmland, and eventually with the delegation of some land use diversions in the north to the Oil and Gas Commission. But it continued to protect the rest of the province's farmland from non-agricultural uses, despite widespread pressures for urban and industrial development.

The Changes

Bill 24 changes the structure of the Agricultural Land Commission in three ways:

- it divides the province into six regions:
- it creates a separate administrative panel for each region. Each panel will be under a Vice-Chair of the Commission, locally resident. Each local panel will have the authority to delegate decisionmaking to local government, First Nations, or other bodies as permitted by regulations yet to be announced.
- It divides the province into two zones: Zone 1, which includes the Panel Regions for The Island, the South Coast, and

the Okanagan; Zone 2, which includes the Panel Regions for the Interior, the Kootenay, and the North. Each regional Panel's purposes and decision criteria in Zone 1 are unchanged, and give clear preference, as always, to agricultural use of ALR lands. In Zone 2, however, decision criteria are added, including 'economic, cultural, and social values, regional and community planning objectives, and other prescribed considerations'—whatever cabinet may favour.

Long Term Objectives

The ALC's land use regulation has been in effect for forty years. One might assume that legislation which restructures it would be the result of extensive consultation and the development of a vision of the future development, growth, and adaptation of farming in BC. But no. This legislation, prepared apparently without the benefit of consultation, makes it possible to write off the future for agriculture for 'Zone 2'. Land use plans in place for decades will be abandoned to favour local short-term priorities. Farmland can be destroyed for the oil and gas industries and their pipelines. Communities face an uncertain future.

In short, the BCLiberal government's long term vision for that enormous part of BC beyond the Okanagan is as a land use wild west, with non-renewable resources awaiting uncontrolled exploitation. Those resources don't include farmland, though farmers are cynically encouraged to increase their incomes, not from farming, but from resource industry bribes.

The ALC is, and could continue to be, a bulwark protecting the future of that 85% of the province's agricultural land as it adapts to climate change. But, with these amendments, no longer. And, for the Interior, the Kootenay, and the North, never again. ☞

Repeal parks act amendments, say 166,000 people

The BC Green Party stood in full support of the Sierra Club of BC, BC Wilderness Committee, and Canadian Parks and Wilderness Society as they presented a petition, on Wednesday, May 14, with over 166,000 signatures, demanding the BCLiberal government repeal *Bill 4: The Parks Amendment Act*.

The legislation was widely opposed by all members of the opposition when it was being debated this spring in the Legislature, and received a very cold reception from British Columbians. The government claimed that the legislation was needed to bring research activities that were already occurring without permits into compliance with the law. However, this claim is at odds with the government's new 'Draft Policy for Issuing Park Permits for Research Purposes.'

On Monday May 12, MLA for Oak Bay-Gordon Head, Andrew Weaver submitted a letter providing feedback on this draft policy. The policy seeks to create a new type of license called an 'investigative use permit' which by definition is 'issued as a means of gathering information for the purpose of determining viability of land use/occupancy for commercial or proposed industrial activities', despite the Minister of

Environment's claims in the house that no commercial or industrial development will occur in our parks. However the option is to apply for a boundary adjustment and have the land removed from the park.

'The changes to the Act may not have allowed new industrial development in parkland, but by creating investigative use permits they have created the vehicle to get the land out of the park before it is developed,' said Adam Olsen, Interim-Leader of the BC Green Party.

'With two major pipeline projects seeking approval and the government's efforts to push forward an LNG industry, with all the pipelines and fracking pads that that will entail, this policy codifies the concerns that were raised in the legislature, namely that we are creating a system to streamline the removal of park land in order to facilitate these projects.'

'The scientifically determined ecological value of a park does not simply disappear because the government facilitates a park boundary adjustment,' said Olsen. 'British Columbians do not see the difference the Minister does when it comes to development in or around our parks.' ☞

(Dis)Comfort Food? - Brian Crumblehulme

Remember the days when food was just food, when it was on your mother's table, tasty like a BLT, a donut or a casserole?

Like the prodigal daughter, we strayed into wholewheat pasta, nouvelle cuisine, California sushi rolls and Buffalo wings. Back to the land, real food and slow food has tried (almost in vain) to steer us back to something resembling that pre-lapsarian hamburger, and now the forces of enterprise and creative opportunity are rewriting the script.

Functional foods such as vitamin-enhanced breakfast cereals, power bars and drinks, have been around for a few years: today the sky is the limit. Beginning with the absurd.

For a price, an icecream manufacturer in the UK will sell you glow-in-the-dark ice cream for Halloween—it came out last fall, looks eerie, can be seen on any dark night, and tastes like...? The same enterprise recently delivered Viagra Ice Cream—yes, you read that correctly. At 25mg per scoop you will need two scoops to achieve your ambition. An early purchaser was said to be 'very happy with the result'. So, if 'a spoonful of sugar helps the medicine...', will Warfarin laced chocolate truffles be far behind?

(Note: as this essay was written, the Dutch multinational company DSM announced a new line of chemically enhanced non-prescription chocolates designed to calm and relax. Recommended for evening use only.)

Commercial baby foods are loaded with vitamins, minerals and now probiotics to excite every corpuscle in the neophyte body. Probiotics are also finding their way into a host of dairy products claimed to reduce obesity and hypertension, and recently, the bitter tasting catachins found in green tea are turning up in your breakfast yogurt to combat the colorectal cancer and mood disorders we all deny. Italian researchers have recently created another probiotic: [*Streptococcus salivarius*] (not a musical instrument, this one lives symbiotically in your mouth) which when mixed into a milk shake and fed to children reduces oral infections by 80%.

Apparently, milk and milk ingredients are 'an ideal platform for the delivery of bioactive compounds and opens the door to a new generation of dairy products.' And I venture to suggest they may have some marketing potential. Consequently, Coca-Cola recently bought its way into the dairy industry with a whole new brand of milk drinks packed with energy and promise. In their own words, we are 'selling the sex appeal of vitality.... Everything's going to be milk based, everything's going to be value added.' Skip the vitality, I'll take a double-double ice-cream.

Functional foods really are vehicles for taking your medicine or supplementing your diet with what you think is lacking: a bit like the sour cream, chives & bacon bits on your baked potato.

Scouring the earth for novel food items and widening our understanding of 'normal' is another way to make a statement. Krill, for example, is the staple diet of baleen whales. Whales are mammals, we are mammals, therefore...? The tiny, crunchy creatures resembling shrimp are being deep fried and processed all the way back to their DNA.

Frappéd and chromatographed, krill display a remarkable halo of omega 3 acids and marine sourced minerals. A few countries, most notably Japan, regularly eat krill in soups, dried snacks and more recently on pizza. Most however, are caught and processed to feed your cat.

Now the push is on to include them in your salad roll and bran muffin, and like most new foods, are available for an enhanced price at selected restaurants. Like east coast cod and the buffalo, krill appear to be limitless: they cannot be 'farmed' and they eat plankton which is renewable and free, so it may be a while yet before you will have to decide if your krill burger is fair trade or stealing from penguins.

If krill sushi is a bit of a stretch, how about mealworms, or better yet, flies? We all consume insects when someone has not washed the lettuce properly, and we know that birds and fish love them. Would you be happy, therefore, to know that the hot Cajun wings on your plate came from a chicken raised on fly larvae—maggots? If yes, you will be delighted to know the EU is expected to approve the first commercial human-food, insect factories this summer. Approximately half of the fish we eat is 'farmed' and fed with processed fishmeal and it has been estimated that at least half of that fishmeal could be replaced by pelleted insect larvae. And, insects have more polyunsaturated fatty acids, they produce far less greenhouse gases and they eat everything we will not. This essay is beginning to sounds like a moral epistle.

Unless you're in a bar in Australia (witchetty grubs—giant moth larvae), or Sudan (sugar ants), or Algeria (locusts), you may have to wait a while before something with six legs garnishes your plate.

Then there's mealworms (*Tenbrio molitor*), the larvae of a small brown beetle. They can be kept for weeks on a diet of bran: goldfish love them. Fresh, happy mealworms can be quickly and humanely killed by freezing and subsequently dried in a slow oven. The dried critters, now possessing around 50% protein and 30% fat, can be salted and eaten with peanuts, sprinkled over iceberg lettuce or stirred into a chocolate ganache with a little crème de menthe. Or you can grind them up to make a flour which when mixed with regular wheat flour... well, the



Photo: Derek Holzapfel, www.naturediver.com

Fiddler crabs embrace under the Salish Sea?

sky's the limit. Almost.

Print Yer Dinner - Mealworm Meals

Besides a super abundance of protein and too many legs, insects have a high fat content and any processing must include a defatting stage so they remain dry and not greasy. Presently, most mealworm flour is used for birdfeed because the processing includes chemical solvents not approved for humans.

In pursuit of a better diet or as a food supplement, the arthropodal research ball is rolling in all directions. Did you know, for example, that four crickets possess more calcium than a glass of milk? Or, gram for gram, that dung beetles are higher in iron than beef? At universities in the UK mashed insect paste and dried insect flour are being reconstituted into all sorts of shapes using—you guessed it—a 3D printer.

Now that we've passed that barrier, the next item on the menu is home food-processing. How about a 3D printed dinner directly from your home computer? Now that's comfort.

3-D Dinner

- 1/2 kilo mealworm flour
- 1/2 kilo fresh organic wheat flour
- salt, pepper & dried chillies to taste
- a few fried locusts
- fresh cilantro

Mix the first three ingredients and pour into your 3D hopper, program a shape and voila! Fresh Mealballs! Meal alphabet soup! Mealburgers! Garnish with locusts and fresh chopped cilantro. Serve with lashings of vodka.

Bon Appetite! ☺

Harper attacks the rule of law - Elizabeth May

Over his political career Stephen Harper has done a lot of shocking things: proroguing Parliament—twice—to avoid political embarrassment (the third time was a normal prorogation); cancelling a planned speech at the United Nations to return to Canada for a Tim Horton's photo op; breaking his own fixed election date law; placing the bulk of his annual legislative agenda in omnibus budget bills with limits of debate or study. Admittedly it's a long list, and I have barely scratched the surface.

Still, I don't think I have ever encountered as many deeply horrified and shocked Conservatives over one of Harper's actions as over his attack on the Chief Justice of the Supreme Court of Canada.

The triggering event was the court's 6-1 ruling on March 21, 2014 that Marc Nadon, a semi-retired federal court judge from Quebec, was not eligible for appointment to the Supreme Court of Canada as a representative of Quebec. This judgment came from a court with the majority of judges appointed by Harper. Up until the Nadon appointment, Stephen Harper's choices had been exemplary—Tom Cromwell, Marshall Rothstein, Michael Moldaver, Andromache Karakatsanis and Richard Wagner.

Nadon fell well below the mark. His background was in admiralty law, a particularly narrow area of law not often before the highest court. His most notable contribution to jurisprudence had been a dissenting opinion in the case of Omar Khadar where the majority found the government had violated Omar Khadar's rights. Another of his lesser known opinions had been to bar me from the 2011 leader's debate.

However that may be, the legal issue that became an immediate hurdle was that the Quebec appointment to the court should be a judge with experience in Quebec civil law. The *Supreme Court of Canada Act* made it clear that an appointment to the bench from Quebec had to be a member of the Quebec bar. Nadon was not.

Harper had appointed Nadon in October, but back in July the Chief Justice had attempted to raise the concern that Nadon was not eligible. The Chief Justice is normally consulted about new appointees to the bench.

The Prime Minister's Office waited until after the decision to

issue a public statement that Harper had refused to discuss the matter with Chief Justice Beverly McLachlin. Both Harper and Justice Minister Peter MacKay suggested that the Chief Justice had behaved improperly. They attempted to create the impression that the chief justice's requested phone call about the legalities of a proposed appointment were on the same scale as an attempt to discuss a case before the court. The latter would have been scandalous; the former is normal practice.

Delayed Second Attack

That Harper raised it months later in an attack on the Chief Justice sent shock waves across Canada. The Canadian Bar Association (CBA) called on the prime minister to acknowledge the Chief Justice had done nothing wrong. Eleven past presidents of the CBA called on the prime minister 'to remedy the situation; one they felt 'may intimidate or harm the ability of the Supreme Court to render justice objectively and fairly.' One group of prominent lawyers has written the International Commission of Jurists, requesting an international investigation to protect the independence of the Canadian judiciary. As a former practicing lawyer, I have found the attack on the Chief Justice deeply disturbing.

Having assaulted our Parliamentary institutions and principles over time—everything from the independence of the civil service, to the supremacy of Parliament, to Canada's role as a Constitutional Monarchy—it now seems the prime minister was ready to attack the rule of law. Clearly, in the past he had ignored court rulings—such as the finding in the Omar Khadar case. And within months of becoming prime minister, Harper killed two key programmes that built on a growing jurisprudence of the package of Charter-protected rights and freedoms—eliminating both the Court Challenges Programme and the Law Reform Commission of Canada. He has forced through bill after bill, despite warnings from top Constitutional law experts that the legislation would not survive court challenge.

Was there a plan to run against the court? Blame the Supreme Court for being unable to put bad guys in jail forever; blame it for blocking Senate reform? Blame it for protecting a set of values Harper does not like? Or was this random recklessness, disconnected from a plan? Sometimes when

someone behaves like a bull in a china shop, it's not because they intend to destroy everything; it's just because the only way a bull can walk through a china shop is to wreck everything.

In Paul Well's award-winning book about Harper, *The Longer I'm Prime Minister*, he argues that a significant influence on his thinking is a 2002 book by his first Chief of Staff, Ian Brodie. *Friends of the Court: The Privileging of Interest Group Litigants in Canada*, was based on Brodie's work during his doctorate. Brodie argued that the Liberals had put in place the Charter to enshrine Liberal values. That coupled with an 'activist court' would lead to forcing Alberta to pass laws to defend same-sex marriage and extend spousal benefits to such marriages, to advance a Liberal agenda in ways that electoral politics alone could not.

Reading Well's book, it came as no surprise that the Court Challenges Programme and Law Reform Commission had been early victims on Harper's 'hit list'. What is unfortunate is that the Opposition Parties let him do that in a minority Parliament.

What wasn't clear then should be clearer now. Stephen Harper sees the Charter of Rights and Freedoms as a Liberal institution. Despite having appointed the majority of judges to the Supreme Court of Canada, he is willing to treat our highest court as a partisan tool of the Liberal rule of years ago.

We had a hint of this when there was not even a press release to mark the anniversary of the *Charter of Rights and Freedoms* being enshrined in our Constitution. For a prime minister who seems to celebrate every anniversary—the War of 1812, Canada's 175th year, the Queen's Diamond Jubilee, and now the 100th anniversary of the first year of the First World War—there was nothing to mark the 30th anniversary of the Charter.

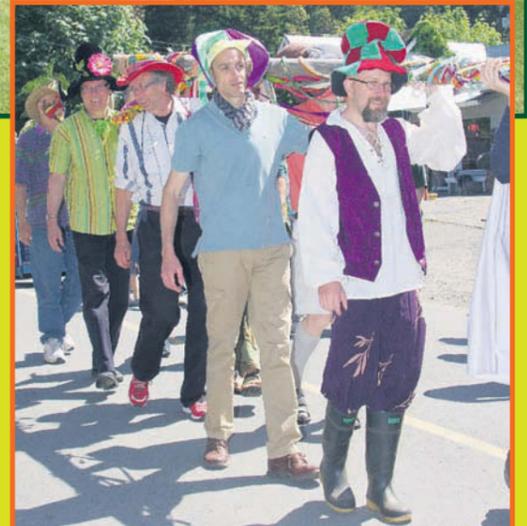
Harper's treatment of our courts is disturbing. While there is a lot of anxiety about his appointments to our highest court, many senior lawyers fear the mediocre, and worse, appointments to lower courts will create more havoc. And meanwhile, the Supreme Court of Canada has had to function since April 2013 one judge short and without a jurist from Quebec.

The attack on our Chief Justice is not just another unworthy assault on a decent civil servant, in the same vein as the attacks on Linda Keen, Kevin Page, Munir Sheikh, Marc Mayrand or Richard Colvin. This is of another order. This is an attack on fundamental principles of the rule of law. This must not go unanswered. ☺

'Having assaulted our Parliamentary institutions and principles over time—everything from the independence of the civil service, to the supremacy of Parliament, to Canada's role as a Constitutional Monarchy—it now seems the prime minister was ready to attack the rule of law.'



Mayne Island Conservancy May Day



Photos: Tom Hobley

A parade, a maypole, a maypole dance, giant puppets, musicians, fairies, the May Queen, and the Green Man

Gulf Islands Crest Trail - Rob Butler and Michael Dunn

In 1921, Benton MacKaye envisioned a trail running the length of the Appalachian Mountains following the high country between Georgia and Maine. Today, the Appalachian Trail is one of the great hikes of North America and joins the ranks of our West Coast Trail, the Pacific Crest Trail between Canada and Mexico, and the Bruce Trail in Ontario.

Within the southern Gulf Islands are numerous parks and natural areas with trails already in use by visitors and

residents. There are also many bed and breakfasts, inns, hotels and campgrounds. Is it conceivable to establish a trail running along the high ground the length of the Gulf Islands from Saturna Island to Nanaimo? That was a question we asked ourselves in 2003.

We arranged for our visit and permission to traverse the islands. There was no trail but there was plenty of open country so we planned our journey to try to stay along the ridgelines as much as possible of Saturna, Mayne and Galiano

from end to end.

This plan worked well on Saturna where we were able to traverse the length of the island in one day. On Mayne, where the geography was not as linear as the other Outer Islands, we traversed much of the island following existing paths and roads that crossed valleys and higher ground. Galiano required an overnight stay. A portion of the island required going along the road but we were able to traverse much of the island on the high ground. Although our journey to trek across the remaining islands to Nanaimo is still in the works, we showed that it is not impossible to hike along the islands.

A Gulf Islands Crest Trail could follow the high ground to avoid as much private land as possible and take advantage of existing parks and protected areas open to the public. Hikers could traverse a single island as a day trip or tackle the entire trail across the islands by overnighing in bed and breakfast establishments, hotels, motels and in campgrounds. Boats would be required to get hikers to the trailheads between islands (see the water taxi survey ad page 2).

Construction of a Gulf Islands Crest Trail would require each island to implement it and would likely take several years to complete.

Hikers would be rewarded with views of Canada's extraordinary natural beauty, and experience the unique nature and hospitality of the Gulf Islands.

What's On?

VANCOUVER ISLAND & ALL THE GULF ISLANDS

Saturday, June 7

Mayne Island Music Society presents Sara Marreiros—world-class entertainer plus an ensemble of musicians performing 'fado' music, folk, pop, and blues • Ag Hall ¶ Ddoors open at 7pm • Tickets: \$20 at door or Home Hardware, Happy Tides, Farm Gate • **MAYNE**



Saturday & Sunday, June 7 & 8

Quadra Island Studio Tour—see the work of 37 Quadra artists in studios and the Community Centre; painters, sculptors, glass artists, instrument makers, fabric artists, potters, printmakers and more; demonstrations, art prizes • Satur day 10-5, Sunday 10-4 • Tickets: \$5 (12&Under free) at Quadra Tourist Info Booth, Hummingbird Office Supply, Campbell River Art Gallery, Comox Valley Art Gallery • Info: QuadraIslandArts.com, 250.285.3101 • **QUADRA**



Sunday, June 8

Gulf Islands Bridge Tournament—all islands welcome, fundraiser for the Galiano South Hall, four hand bridge rules will apply, ferry friendly event • Galiano South Hall • 10:30am to 3:30pm • \$25 includes lunch, must register by June 1st • Info: Sylvie at 250-539-3077, or misha11@telus.net • **GALIANO**



Saturday, June 14

Mayne Island Community Oceans Day—beach seine, divers, aquariums, plankton tows and more • Miners Bay Community Dock • 12-3:30pm; Evening Presentation, Ag Hall, 7pm pm • Everyone welcome Info: Mayne Island Conservancy, conservancyonmayne.com • **MAYNE**



Wednesday-Friday, June 18-20

3-Day Chair Caning Course—bring your project chair, all other supplies included, limited spaces • Registration: \$120 • Info & r egistration: frannadeau@hotmail.com or 1-250-216-8997 • **MAYNE**



Saturday & Sunday, June 28-29

2nd Annual Hope Bay Boat Days—boating and music festival: boat swap; boat building; family fun; live music: Jocelyn Pettit, Lauren Mann & Tower of Dudes; pig roast on Sunday • On the dock and at the Hope Bay Bible Camp • Tickets online at www.hopebayboatdays.com • **PENDER**



Canada Day, Monday, July 1

65th Annual Saturna Island Lamb Barbeque—traditional lamb dinner or casual and vegetarian fare, children's games, live entertainment, beer garden, arts & crafts, moorage at Winter Cove, shuttle to/from ferries dock (sorry, no dogs) • Gulf Islands National Park Reserve, Winter Cove Park • Grounds open 10am-4:30pm; dinner served 1:30-2:30pm •



Dinner tickets: Adults \$20, Children \$10, Group tickets available • Info: Melanie Gaines, 250.539.2452; www.saturnalambbarbeque.com • **SATURNA**

Wednesday, July 23 to Sunday July 27

4th Annual Quadra Island Festival of Chamber Music—WED: *Your Carriage to Paris: Music of the French Baroque*, United Church, 6:30pm, \$20; THURS: *Friends of the Festival Donor Dinner*, Gowlland Harbour Resort, 6pm, \$90; FRI: *Celtic Magic*, South End Farm & Vineyard, 6pm, \$40; SAT: *Piano Favorites throughout the Ages*, Quadra Island Community Centre, 6pm, \$18; SUN: *Sheer Delight*, music & luncheon, Gowlland Harbour Resort, 10:30am, \$40 • Tickets: www.gowllandharbour.com/events/ • Info: www.quadrafestival.com • **QUADRA**



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